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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,428	11/02/2006	David Bryant	CTCPCT001-4-US	9322
35846	7590	08/09/2007		
THE MCINTOSH GROUP 12635 E. Montview Blvd., SUITE 370 AURORA, CO 80010			EXAMINER NGUYEN, CHAU N	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/595,428

Applicant(s)

BRYANT, DAVID

Examiner

Chau N. Nguyen

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "302" page 10 and "914" page 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: on page 10, reference numerals "302" and "304" are both used to describe "arrow".
- Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 28-35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Vockroth (3,384,704).

Vockroth (Figures 1-7) discloses a fitting comprising a collet (6) comprised of one or more sections that form a truncated conical shape, the shape of the collet comprising an outer diameter that increases from a first end to a second end creating an outside slope to slide within a collet housing (5), the collet further comprising a concentrically oriented lumen, the lumen having a cross section and length to fir a cross section and length of the composite core, and the collet housing having a first open end to allow the collet to fir into the collet housing and

a second open end (14) having a smaller internal diameter than the first open end, the housing having a funnel-shaped interior that mirrors the outside slope of the collet to enable the collet to slide into the collet housing without allowing the collet to be forcibly pulled through the second open end of the collet housing (re claim 28). Vockroth also discloses tension applied to the core in the direction of the second open end pulling the collet into the collet housing applying a compressive force to the collet causing compression of the core along the length of the lumen (re claim 29), an implement (8) that engages with the first open end of the collet housing to enable connection to a second collet housing (re claim 30), the implement acting to drive the collet into the housing and initiate compression of the collet against the core (re claim 31), the collet housing comprising a rigid material that enables the collet housing to retain its shape when tension is applied to the core and the collet is pulled into the collet housing (col. 2) (re claim 32), the collet comprising at least two sections of equal size and shape that fit together to form the collet (re claim 33), the collet comprising more than one section, each section identical in size and shape that fit together to form the collet (re claim 34), a connecting element (8) that couples two or more fittings together to form a splice (re claim 35), an aluminum housing (2) that couples with one or more fittings and

electrically connect a conductor of a first cable with a conductor of a second cable (re claim 37).

5. Claims 28 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Berndt (2,988,727).

Berndt (Figure 10) discloses a fitting comprising a collet (51) comprised of one or more sections that form a truncated conical shape, the shape of the collet comprising an outer diameter that increases from a first end to a second end creating an outside slope to slide within a collet housing (53), the collet further comprising a concentrically oriented lumen, the lumen having a cross section and length to fit a cross section and length of the composite core, and the collet housing having a first open end to allow the collet to fit into the collet housing and a second open end (54) having a smaller internal diameter than the first open end, the housing having a funnel-shaped interior that mirrors the outside slope of the collet to enable the collet to slide into the collet housing without allowing the collet to be forcibly pulled through the second open end of the collet housing. Berndt also discloses a connector (42) that connects the fitting to a structure (not shown) to form a dead-end.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 28-37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 32 and 37 of U.S. Patent No. 7,041,909 in view of Vockroth. Patent '909 discloses a collet (compressible body), a collet housing (a rigid enclosure), an implement, a connecting element, a housing, and a dead-end. Patent '909 does not disclose the collet comprising more than one sections each identical in size and shape that fit together to form the collet nor the housing being an aluminum. Vockroth discloses a fitting comprising a

collet comprising more than one section each identical in size and shape that fit together to form the collet. It would have been obvious to one skilled in the art to modify the collet of Patent '909 to have more than one section each identical in size and shape that fit together to form the collet as taught by Vockroth to facilitate the compression of the collet over the core. It would also have been obvious to one skilled in the art to use aluminum for the housing of patent '909 since aluminum is known in the art for being used as housing or enclosure.


### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chau N Nguyen  
Primary Examiner  
Art Unit 2831